



**NIAGARA COUNTY
LEGISLATURE**

NIAGARA COUNTY COURTHOUSE
LOCKPORT, NEW YORK 14094-2740
• (716) 439-7000 • Fax: (716) 439-7124

**WILLIAM L. ROSS
CHAIRMAN**

**MARY JO TAMBURLIN
CLERK OF THE LEGISLATURE**

December 17, 2015

Lya Theodoratos
Brownfields Project Officer
USEPA, Region 2
290 Broadway, 18th Floor
New York, NY 10007

RE: Brownfields Revolving Loan Fund Grant Application for Niagara County, NY

Dear Ms. Theodoratos:

Please find enclosed Niagara County, New York's application to the United States Environmental Protection Agency for a \$500,000 community-wide revolving loan fund grant. Niagara County is located in the extreme northwest corner of New York State with borders along Canada, the Niagara River, and Lake Ontario. The County is 523 square miles incorporated into twenty municipalities that range from three declining industrial cities, five villages, and twelve rural and suburban townships. Niagara County is home to one of the most remarkable natural wonders of the world – Niagara Falls.

The departure of heavy manufacturing industries left a legacy of toxic contamination that has significantly challenged Niagara County's environmental quality. As home to *Love Canal*, the birthplace of the federal Superfund Program, Niagara County has well-documented evidence of the impact of brownfield contamination on health, welfare, quality of life, and the environment. Niagara County's brownfield inventory lists 338 sites including former dry cleaners, paper mills, cold storage facilities, chemical manufacturers, lumber facilities, heavy industrial manufacturers, and military bases ranging in size from 0.1 acre to 325 acres. Past assessment work has revealed asbestos, chlorinated solvents, heavy metals, polychlorinated biphenyls (PCBs), petroleum products, and radioactive materials. Many of the sites are abandoned, remain unsuitable for redevelopment, are community eyesores, and drain the economic vitality of the area. The remediation of these sites will provide substantial economic opportunity, improved quality of life, and a methodology for reversing the out-migration of people, jobs and capital from the county.

The following information is provided as requested.

- a.) **Applicant Identification:** Niagara County, New York
Department of Economic Development
Vantage Center - Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132

- b.) **Applicant DUNS Number:** 067523886
- c.) **Funding Requested:**
Grant Type: Revolving Loan Fund
Federal Funds Requested: \$500,000
Contamination: Hazardous Substances
Grant Type: Community-wide
- d.) **Location:** The grant will serve Niagara County, New York
- e.) **Contacts**
i.) **Project Director** Amy E. Fisk, AICP, Senior Planner
Niagara County Department of Economic Development
Vantage Center – Suite One
6311 Inducon Corporate Drive
Sanborn, NY 14132
Phone: (716) 278-8750; Fax: (716) 278-8757
E-mail: amy.fisk@niagaracounty.com
- ii.) **Highest Ranking Elected Official** William L. Ross, Chairman
Niagara County Legislature
175 Hawley Street
Lockport, NY 14094
Phone: (716) 439-7177; Fax: (716) 439-7124
E-mail: william.ross@niagaracounty.com
- f.) **Date Submitted:** December 17, 2015
- g.) **Project Period:** October 1, 2016 to September 30, 2021
- h.) **Population:** 214,973
- i.) **Other Factors Checklist:** See attached

The requested grant funds will build on Niagara County's brownfield inventory, assessment, and remediation efforts over the past fifteen years and allow Niagara County to build on the community support and momentum created thus far.

Thank you for your consideration of this request. If you have any questions or need additional information, please feel free to contact Ms. Amy Fisk, AICP, Senior Planner at (716) 278-8750.

Sincerely,



William L. Ross, Chairman
Niagara County Legislature

Appendix 3

RLF Other Factors Checklist

Name of Applicant: Niagara County, NY

Please identify (with an **x**) which, if any of the below items apply to your community or your project as described in your proposal. To be considered for an Other Factor, you must include the page number where each applicable factor is discussed in your proposal. EPA will verify these disclosures prior to selection and may consider this information during the selection process. If this information is not clearly discussed in your narrative proposal or in any other attachments, it will not be considered during the selection process.

Other Factor	Page #
<i>None of the Other Factors are applicable.</i>	
Community population is 10,000 or less.	
Applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
Targeted brownfield sites are impacted by mine-scarred land.	
Applicant demonstrates firm leveraging commitments for facilitating brownfield project completion by identifying amounts and contributors of funding in the proposal and have included documentation.	
Recent (2008 or later) significant economic disruption has occurred within community, resulting in a significant percentage loss of community jobs and tax base.	
Applicant is one of the 24 recipients, or a core partner/implementation strategy party, of a “manufacturing community” designation provided by the Economic Development Administration (EDA) under the Investing in Manufacturing Communities Partnership (IMCP). To be considered, applicants must clearly demonstrate in the proposal the nexus between their IMCP designation and the Brownfield activities. Additionally, applicants must attach documentation which demonstrate either designation as one of the 24 recipients, or relevant pages from a recipient’s IMCP proposal which lists/describes the core partners and implementation strategy parties.	
Applicant is a recipient or a core partner of HUD-DOT-EPA Partnership for Sustainable Communities (PSC) grant funding or technical assistance that is directly tied to the proposed Brownfields project, and can demonstrate that funding from a PSC grant/technical assistance has or will benefit the project area. Examples of PSC grant or technical assistance include a HUD Regional Planning or Challenge grant, DOT Transportation Investment Generating Economic Recovery (TIGER), or EPA Smart Growth Implementation or Building Blocks Assistance, etc. To be considered, applicant must attach documentation.	11 , 14
Applicant is a recipient of an EPA Brownfields Area-Wide Planning grant.	

Making Sustainability Work in Buffalo Niagara Sustainable Communities Grant Consortium

CONSORTIUM AGREEMENT

I. Purpose

The purpose of this Consortium Agreement is to demonstrate a shared framework of understanding of the members within the Buffalo Niagara Consortium that will be working in cooperation to complete a Regional Plan for Sustainable Development (RSPD) for Erie and Niagara Counties. This framework will support the members and guide the implementation of the initiative. The Consortium Agreement is required by the U.S. Department of Housing and Urban Development (HUD), which is the primary funding source for this project. The Greater Buffalo Niagara Regional Transportation Council (GBNRTC) will act as the lead agency to implement the Making Sustainability Work in Buffalo Niagara program and will work in partnership with its fiscal agent, Niagara Frontier Transportation Authority (NFTA) to administer Cooperative Agreement #NYRIP0067-11 (Attachment A), entered into with the U.S. Department of Housing and Urban Development (HUD) and effective February 15, 2012. By signing this agreement, these signatories agree that:

- (1) They assent to goals, structures, operational protocols, and other aspects of the initiative, as described below,
- (2) They commit to fulfill the responsibilities agreed to by their organization as outlined in their Letter of Commitment (Attachment B), participate in the initiative and hold other consortium members accountable for their responsibilities, and
- (3) They will identify and implement opportunities to align their organizations with the principles and approach described in this Agreement.

II. Signatories

The signatories to this document include the organizations, agencies and governments that are (1) Buffalo-Niagara Consortium's lead agency and fiscal agent (2) voting members of the Steering Committee (3) sub-recipients of the HUD Sustainable Communities Regional Planning Grant:

- The Greater Buffalo Niagara Regional Transportation Council, Lead Agency and Steering Committee Member
- Niagara Frontier Transportation Authority, Fiscal Agent and Steering Committee Member
- University at Buffalo Regional Institute, Steering Committee Member and Sustainable Communities Sub-Grantee
- Erie County, Steering Committee Member
- Niagara County, Steering Committee Member
- City of Buffalo, NY, Steering Committee Member
- City of Niagara Falls, NY, Steering Committee Member
- Empire State Development, Steering Committee Member
- Buffalo Niagara Partnership, Steering Committee Member and Sustainable Communities Sub-Grantee
- Buffalo Niagara Medical Campus, Steering Committee Member
- Local Initiatives Support Corporation, Buffalo, Steering Committee Member
- Belmont Housing Resources of Western New York, Inc., Steering Committee Member

III. Background

The Sustainable Communities Regional Planning Grant Program is part of an effort by the Department of Housing and Urban Development (HUD), the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Transportation (DOT) to help improve access to affordable housing, provide more transportation options, and lower transportation costs while protecting the environment in communities nationwide. A set of guiding livability principles and a federal interagency partnership agreement is intended to guide their efforts in coordinating federal housing, transportation, and other infrastructure investments designed to protect the environment, promote equitable development, and help to address the challenges of climate change.

"Making Sustainability Work in Buffalo Niagara" is an initiative to promote sustainable, vibrant, and healthy communities in the region. The Buffalo Niagara Consortium members, community organizations, and leaders will be engaged in these efforts from early 2012 through 2015.

A. Goals and Principles

Consistent with and in addition to Federal policy, statutes, executive orders and supplemental agency policies and guidance, the members of the Buffalo Niagara Consortium collaboratively seek to follow the common set of the six Livability Principles below:

1. Provide more transportation choices
2. Promote equitable, affordable housing
3. Enhance economic competitiveness
4. Support existing communities
5. Coordinated and leverage federal policies and investment
6. Value communities and neighborhoods

The following are the goals that are anticipated throughout the planning process:

- Development of a Regional Plan for Sustainable Development (RPSD) that includes a Regional Housing Plan, Climate Change Adaptation Strategy and Food Access Plan
- Creation of a Citizen Planning School to build capacity on sustainability issues and public facilitation techniques
- Region-wide outreach with a focus to include historically -underrepresented communities in sustainability planning and implementation process
- Expansion of the Erie Niagara Regional Geographic Information Systems (GIS) with platforms to incorporate a range of performance metrics and shared data capacity across agencies
- Development of a guidebook of scenario-modeling for various prototypes of development
- Creation of project-specific implementation strategies, to align ongoing catalytic projects with the emerging RPSD and the six Livability Principles
- Formation of project-specific "implementation councils" to advance strategies for key catalytic project(s)
- Execution of project-specific scenario modeling that will illustrate value of planning for sustainability

B. Regional Plan for Sustainable Development

HUD provided the Buffalo- Niagara Region with a "Category 1" grant to be used for, "the preparation of a Regional Plan for Sustainable Development (RPSD) that addresses housing, economic development, transportation, education, workforce development, energy, water, and environmental quality in an integrated fashion where such plans do not currently exist or where they exist but need to be significantly revised or enhanced. The RSPD will build off of the Erie-Niagara Framework for Regional Growth (2006) which provides a baseline analysis of growth conditions and patterns, identifies development areas, and recommends policies for a more livable, sustainable region.

IV. Organizational Structure, Roles, Responsibilities and Benefits

To achieve the maximum impact of this initiative, the consortium has created a collaborative network as describe in the organizational chart on the page 4. Like the project work plans, the organizational structure of the consortium is subject to change, based on feedback of its members and the results of their work.

A. Lead Agency

The Greater Buffalo Niagara Regional Transportation Council (GBNRTC), the Metropolitan Planning Organization for Erie and Niagara Counties is the lead agency for the *Making Sustainability Work in Buffalo Niagara* program. GBNRTC will ensure that the Consortium's work as described in the approved work plan (Attachment C) is carried out in compliance with all HUD requirements.

As the lead agency, the GBNRTC and its staff will:

- Manage the Project over its three year duration;
- Act in a representative capacity with HUD on behalf of all members of the Consortium;
- Provide staff support to the Project Team/Steering Committee;
- Coordinate Project meetings as necessary, with assistance from the Regional Sustainability Team;
- Distribute Project materials, with assistance from the Regional Sustainability Team;
- Make day-to-day decisions in executing the decisions of the Steering Committee; and,
- Complete other necessary activities to ensure Project success.

B. Fiscal Agent

The Niagara Frontier Transportation Authority will serve as GBNRTC's fiscal agent for the grant.

As the lead fiscal agent, the NFTA and its staff will:

- Assume fiscal responsibility for the grant on behalf of the Consortium in compliance with all HUD and program requirements;
- Act in a representative capacity with HUD on behalf of all members of the Consortium;
- Enter into memorandums of understanding with any participants receiving funding from the grant to ensure, in partnership with the GBNRTC, the delivery of the required services and other deliverables.

C. Consortium Steering Committee

The Consortium Steering Committee is charged with serving as the ultimate decision making body for the *Making Sustainability Work in Buffalo Niagara* program and ensuring the project and processes are carried forward in line with HUD's expectations and providing overall guidance to development of the RPSD. This includes:

1. Ensuring quality implementation of the Buffalo Niagara RSPD priorities, vision and goals as stated in the work plan with a particular focus on active community engagement and outreach.
2. Establishing strategic direction and core principles to assist with the preparation and implementation of action plans to carry out the work.
3. Participating with solution-driven action and incorporating other public, private, non-profit and voluntary leaders into the conversation.
4. Bringing together the resources of the organizations represented on the Steering Committee to support the implementation of the Buffalo Niagara RSPD.

Steering Committee members include: the Greater Buffalo Niagara Regional Transportation Council, Niagara Frontier Transportation Authority, University at Buffalo Regional Institute, Erie County, Niagara County, City of Buffalo, NY, City of Niagara Falls, NY, Empire State Development, Buffalo Niagara Partnership, Buffalo Niagara Medical Campus, Local Initiatives Support Corporation, Buffalo and Belmont Housing Resources of Western New York, Inc.

D. Consortium Accountability

Steering Committee members have committed to attend the monthly meetings; carry out the Steering Committee's charge, uphold livability principles, and advance Buffalo Niagara RSPD goals.

Regular attendance at Consortium Steering Committee meetings is essential in order to maintain continuity and cohesion in the management and governance of the program. The Steering Committee makes decisions on a consensus basis and therefore requires a quorum of 2/3 of the Committee membership to conduct business. When votes are needed to clarify a decision, they must pass on a 2/3 majority.

If a member misses more than two consecutive meetings without prior notification, the member is in breach of their obligations and is liable to be removed from the Steering Committee if such a motion is made and approved by a 2/3 majority of the Committee.

E. Consortium Joinability

The Buffalo Niagara Consortium will continue to grow over time. It is expected that there will be interested parties not currently included in the Consortium that will either request inclusion, or that will be identified by the Consortium and asked to participate. An ongoing task will be to reach out to potential new partners and seek their membership and active involvement. Options for inclusion range from accepting written input on specific program elements, being included on a working team, participating in the Local Government Councils and Sustainability Congresses, to being named a member of the Steering Committee.

All new members must be approved by a 2/3 vote of the Steering Committee. Criteria for evaluating prospective members of the Consortium include (but are not limited to) the following:

1. The organization plays a leadership role in the region in an issue area closely related to sustainable development.
2. The organization has committed to fully participating in the consortium, as outlined in this agreement.

Every effort shall be made by the Steering Committee to recruit and include eligible groups and interested parties that have not historically been represented in regional planning efforts. Whether they be minority populations, special interest groups, or underrepresented interests, membership in the Consortium is and will remain flexible enough to enable participation and inclusion of traditionally marginalized voices.

F. Regional Stakeholders

As part of the RSPD process, Regional Working Teams will be formed to broaden the Consortium's knowledge base and effectively address livability principles and regional specific needs initially around the areas of Land Use/Economic Development; Transportation/Infrastructure; Climate Change; Housing; and Food Access. Each working team will be chaired by a member of the Consortium Steering Committee and include topic-area experts, "citizen champions," and neighborhood-based stakeholders. This process will ensure that the most effective voices and resources on these issues are deeply woven into the overall process and its implementation mechanisms.

G. Regional Sustainability Team

A Regional Sustainability Team (RST) accountable to the GBNRTC will perform the day-to-day activities of the grant. The RST will consist of technical expertise in planning, law, public participation, communications and public relations and economic development to execute specific planning activities and implementation. The Consortium's university partner (UB Regional Institute and Urban Design Project) will serve as the nucleus of the RST. The Buffalo Niagara Partnership will also serve as part of the RST and will primarily serve as advisors on economic development issues and develop and implement focused implementation strategies for developers and local economic development agents.

H. Benefits

Benefits for participation in the Buffalo Niagara Consortium include the enhanced ability of the region and individual communities to develop and implement the Regional Plan for Sustainable Development. By participating in the Consortium, members will be able to influence the development of plans, strategies, and tools and access those tools for their own use. In addition, members may have the potential opportunity to access additional points when being scored by HUD on applications for a broad range of funding opportunities to advance their own prosperity, livability, and sustainability goals as long as they also further the regional priorities.

V. Effective Date

This Consortium Agreement will become effective upon signature by the parties. The provisions of the agreement may be reviewed, as appropriate, and amended or supplemented if mutually agreed upon in writing by the parties. Unless extended by written agreement of the parties or previously terminated by agreement of a majority of the signatories, this agreement will expire at the end of the three-year grant period on February 14, 2015.

VI. Signatures

By my signature below, my organization/agency becomes a signatory to the Making Sustainability Work in Buffalo
Niagara: A Partnership for Sustainable Communities in Erie & Niagara Counties Consortium Agreement.

The Greater Buffalo Niagara Regional Transportation Council

Hal Morse
Name, Title: Hal Morse, Executive Director

ASST
Corporation Counsel
By John Hoff 6.6.12
Date: June 12, 2012

Niagara Frontier Transportation Authority

Kimberly A. Minkel
Name, Title: Kimberly A. Minkel, Executive Director

Date: May 21, 2012

Empire State Development

Christina P. Orsi
Name, Title: Christina P. Orsi, Regional Director

Date: May 18, 2012

The County of Erie

Mark C. Poloncarz
Name, Title: Mark C. Poloncarz, County Executive

Date: May 25 2012

The County of Niagara

William L. Ross
Name, Title: William L. Ross, Chairman of Legislature
City of Buffalo

Date: 15 May 2012

Byron W. Brown
Name, Title: Byron W. Brown, Mayor

Date: 6-7-12

City of Niagara Falls

Paul A. Dyster
Name, Title: Paul A. Dyster, Mayor

Date: May 15, 2012

University at Buffalo Regional Institute

Robert G. Shibley
Name, Title: Robert G. Shibley,
Dean, UB School of Architecture & Planning

Date: May 15, 2012

Buffalo Niagara Partnership

Andrew A. Rudnick
Name, Title: Andrew A. Rudnick, President & CEO

Date: May 10, 2012

Buffalo Niagara Medical Campus

Matthew K. Enstice
Name, Title: Matthew K. Enstice, President & CEO

Date: May 15, 2012

Local Initiatives Support Corporation, Buffalo

Michael K. Clarke
Name, Title: Michael K. Clarke, Executive Director

Date: May 16, 2012

Belmont Housing Resources of Western New York, Inc.

Elizabeth Huckabone
Name, Title: Elizabeth Huckabone, Executive Director

Date: May 31, 2012